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Counsel for the Reorganized Debtors

Counsel for the Reorganized Debtors

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) CASE NO. BK-09-14814-LBR
) (Jointly Administered)

THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes," et al.,

Reorganized Debtors.¹

Chapter 11

Affects:

☒ All Debtors
☐ The Following Debtor(s):

Hearing Date: January 10, 2013

Hearing Time: 10:00 a.m.

AMENDED NOTICE OF HEARING ON MOTION OF THE REORGANIZED DEBTORS FOR ENTRY OF AN ORDER ENFORCING THE TERMS OF THE THIRD AMENDED MODIFIED PLAN OF REORGANIZATION PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE FOR THE RHODES COMPANIES, LLC, ET AL. AND THE RELATED CONFIRMATION ORDER

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

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1 **NOTICE IS HEREBY GIVEN** that a MOTION OF THE REORGANIZED DEBTORS
 2 FOR ENTRY OF AN ORDER ENFORCING THE TERMS OF THE THIRD AMENDED
 3 MODIFIED PLAN OF REORGANIZATION PURSUANT TO CHAPTER 11 OF THE
 4 BANKRUPTCY CODE FOR THE RHODES COMPANIES, LLC, ET AL. AND THE RELATED
 5 CONFIRMATION ORDER was filed concurrently herewith by Kolesar & Leatham and Akin
 6 Gump Strauss Hauer & Feld LLP, counsel for the Reorganized Debtors. The Motion seeks the
 7 following relief: entry of an order, pursuant to Section 105(a) of Title 11 of the United States
 8 Code (the “Bankruptcy Code”), (i) enforcing the terms of the Third Amended Modified Plan of
 9 Reorganization Pursuant to Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC,
 10 et al. (the “Plan”) and the related Findings of Fact, Conclusions of Law, and Order Confirming the
 11 First Lien Steering Committee’s Third Amended Modified Plan of Reorganization Pursuant to
 12 Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC et al. (the “Confirmation
 13 Order”) and (ii) clarifying that Commerce Associates, LLC (“Commerce”) has no rights under the
 14 Tuscany Purchase Agreement and the Conditional Assignment.

15 **NOTICE IS FURTHER GIVEN** that if you do not want the court to grant the relief
 16 sought in the Motion, or if you want the court to consider your views on the Motion, then you must
 17 file an opposition with the court, and serve a copy on the person making the Motion ***no later than***
 18 ***14 days*** preceding the hearing date for the motion, unless an exception applies (see Local Rule
 19 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal
 20 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that a hearing on the said Motion will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard, South, Third Floor, in Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101, on **January 10, 2013**, at the hour of **10:00 a.m.**

DATED this 3rd day of December, 2012.

By: /s/ Nile Leatham

NILE LEATHAM, ESQ.

Nevada Bar No. 002838

SHLOMO S. SHERMAN, ESQ.

Nevada Bar No. 009688

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Counsel for the Reorganized Debtors

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CERTIFICATE OF SERVICE

1. On December 3, 2012, I served the following document(s) (*specify*):

Amended Notice of Hearing on Motion of the Reorganized Debtors for Entry of an Order Enforcing the Terms of the Third Amended Modified Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC, et al. and the Related Confirmation Order.

2. I served the above-named document(s) by the following means to the persons as listed below:

(*Check all that apply*)

☒ a. **ECF System (*You must attach the "Notice of Electronic Filing," or list all persons and addresses and attach additional paper if necessary*)**

KEVIN N. ANDERSON on behalf of Creditor JAMES RHODES
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BRETT A. AXELROD on behalf of Creditor SAGEBRUSH
ENTERPRISES, INC.
baxelrod@foxrothschild.com, pkois@foxrothschild.com;
rdittrich@foxrothschild.com; ldupree@foxrothschild.com

J. THOMAS BECKETT on behalf of Creditor CREDITORS COMMITTEE
ECF@parsonsbehle.com

LORI BROWN on behalf of Creditor Las Vegas Supply, Inc.
minute@legalcounselors.com

PHILIP R. BYRNES on behalf of Creditor CITY OF LAS VEGAS
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jandrews@lasvegasnevada.gov

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scho@pszjlaw.com

JANET L. CHUBB on behalf of Creditor COMMERCE ASSOCIATES,
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NATALIE M. COX on behalf of Interested Party REORGANIZED
DEBTORS
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1 THOMAS E. CROWE on behalf of Creditor SHANE SMITH
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2 DAMON K. DIAS on behalf of Creditor X-It at 215, LLC
3 ddias@diaslawgroup.com, bankruptcy@diaslawgroup.com;
4 jisselas@diaslawgroup.com; elizabethd@diaslawgroup.com

5 TRACY A. DIFILLIPPO on behalf of Creditor COMMERCE
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10 JAMES D. GREENE on behalf of Plaintiff EUGENE DAVIS
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13 KIRBY C. GRUCHOW on behalf of Creditor NEVADA POWER
COMPANY
14 hkelley@leachjohnson.com

15 DAVID R HAGUE on behalf of Creditor JAMES RHODES
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16 CAROL L. HARRIS on behalf of Creditor In re Kitec Fitting Litigation
Class Plaintiffs
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18 WILLIAM H HEATON on behalf of Defendant JOHN RHODES
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19 RODNEY M. JEAN on behalf of Creditor Credit Suisse, Cayman Islands
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21 mstow@lionelsawyer.com

22 JAMES J. JIMMERSON on behalf of Defendant FARM HUALAPAI LLC
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24 ROBERT R. KINAS on behalf of Creditor CATERPILLAR FINANCIAL
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25 rkinas@swlaw.com, jmath@swlaw.com; mfull@swlaw.com;
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27 KEITH S. KNOCHER on behalf of Creditor VALERIE SILVAS
28 law@lawyersinarizona.com, bank@lawyersinarizona.com

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- 1 BART K. LARSEN on behalf of Creditor Reef Colonial, LLC
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3 mbarnes@klnevada.com
- 4 ZACHARIAH LARSON on behalf of Debtor APACHE FRAMING, LLC
5 cshurtliff@maclaw.com, sstanton@maclaw.com; akosina@maclaw.com;
6 mwalters@maclaw.com
- 7 NILE LEATHAM on behalf of Creditor STEERING COMMITTEE OF
8 SENIOR SECURED LENDERS
9 nleatham@klnevada.com, ckishi@klnevada.com;
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- 11 ANNE M. LORADITCH on behalf of Creditor JAMES RHODES
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- 15 VIRGINIA CRONAN LOWE on behalf of Creditor UNITED STATES OF
16 AMERICA - INTERNAL REVENUE SERVICE
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- 18 ERIC D. MADDEN on behalf of Other Prof. THE LITIGATION TRUST
19 OF THE RHODES COMPANIES, LLC
20 emadden@diamondmccarthy.com, cburrow@diamondmccarthy.com
- 21 EDWARD M. MCDONALD on behalf of U.S. Trustee U.S. TRUSTEE -
22 LV - 11
23 edward.m.mcdonald@usdoj.gov
- 24 JEANETTE E. MCPHERSON on behalf of Defendant KB HOME
25 NEVADA, INC.
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- 27 SUSAN L. MYERS on behalf of Creditor Credit Suisse, Cayman Islands
28 Branch
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- W. OWEN NITZ on behalf of Defendant John C. Rhodes, John C. Rhodes,
Trustee of the Dynasty Trust 1, John C. Rhodes, Trustee of the Dynasty
Trust II, Gypsum Resources, LLC and Truckee Springs Holdings, Inc.
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- JEFFREY D. OLSTER on behalf of Creditor HARSCH INVESTMENT
PROPERTIES - NEVADA, LLC
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- OMNI MANAGEMENT GROUP, LLC (bo)
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- ERIC RANSAVAGE on behalf of Creditor Leslie Blasco, et al.
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4 MATERIALS SOUTH, LLC
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9 DEBTORS
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10 ROSA SOLIS-RAINEY on behalf of Defendant DELOITTE & TOUCHE
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12 MARK R. SOMERSTEIN on behalf of Creditor WELLS FARGO BANK,
13 N.A.
mark.somerstein@ropesgray.com

14 ELIZABETH E. STEPHENS on behalf of Attorney SULLIVAN HILL
15 LEWIN REZ & ENGEL
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19 JEFFREY R. SYLVESTER on behalf of Creditor CREDIT SUISSE,
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21 bridget@sylvesterpolednak.com

22 TIMOTHY P. THOMAS on behalf of Creditor STEERING COMMITTEE
23 OF SENIOR SECURED LENDERS
, veralynn@tthomaslaw.com

24 U.S. TRUSTEE - LV - 11
USTPRegion17.lv.ecf@usdoj.gov

25 DONALD H. WILLIAMS on behalf of Creditor Westar Kitchen & Bath,
26 LLC
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27 GREGORY F WILSON on behalf of Witness SANTORO, DRIGGS,
28 WALCH, KEARNEY, HOLLEY & THOMPSON
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MICHAEL B WIXOM on behalf of Interested Party MUTUAL OF
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mbw@slwlaw.com, ef@slwlaw.com

MICHAEL YODER on behalf of Other Prof. THE LITIGATION TRUST
OF THE RHODES COMPANIES, LLC
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3. On **December 3, 2012**, I served the documents referred to above by the following means to the persons as listed below:

- ☒ **b. United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

EDWARD M. MCDONALD JR., ESQ.
OFFICE OF THE UNITED STATES TRUSTEE
U.S. DEPARTMENT OF JUSTICE
FOLEY FEDERAL BUILDING
300 LAS VEGAS BOULEVARD, SOUTH, SUITE 4300
LAS VEGAS, NV 89101

ACCELERON GROUP
2791 SOFT HORIZON WAY
LAS VEGAS, NV 89135

ALVAREZ & MARSAL NORTH AMERICA, LLC
BY & THRU ITS REGISTERED AGENT:
CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DRIVE
LAS VEGAS, NV 89119

AMERICAN EXPRESS COMPANY
CORPORATION TRUST COMPANY OF NEVADA
BY AND THROUGH ITS REGISTERED AGENT
311 S. DIVISION STREET
CARSON CITY, NV 89703

F/KA MERRILL LYNCH B OF A ML ASSET HOLDING
BY AND THROUGH ITS REGISTERED AGENT
CORPORATION TRUST COMPANY OF NEVADA
311 SOUTH DIVISION STREET
CARSON CITY, NV 89703

BANCROFT SUSA & GALLOWAY P.C.
ATTN: PAUL D. BANCROFT
3955 E. FT. LOWELL DRIVE, #115
TUCSON, AZ 85712

BANK OF OKLAHOMA
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TULSA, OK 74105-7119

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BLEEKER'S BOXES
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FLAGSTAFF, AZ 86004

BNY MELLON F/K/A THE BANK OF NEW YORK
ATTN: ANY OFFICER OR DIRECTOR
ONE WALL STREET
NEW YORK, NY 10286

JANICE J. BROWN on behalf of Creditor HARSCH INVESTMENT
PROPERTIES - NEVADA, LLC
LEWIS BRISBOIS BISGAARD & SMITH LLP
400 SOUTH FOURTH STREET, SUITE 500
LAS VEGAS, NV 89101

DAVID J CABRAL
REGISTERED AGENT FOR:
AMERICAN COMMONWEALTH MORTGAGE COMPANY
536 E. ST. LOUIS AVE.
LAS VEGAS, NV 89104,

CHICAGO TITLE AGENCY OF NEVADA, INC.
BY & THRU ITS REGISTERED AGENT:
CORP. TRUST COMPANY OF NEVADA
311 SOUTH DIVISION STREET
CARSON CITY, NV 89703

COMMERCE TITLE COMPANY
BY AND THROUGH ITS REGISTERED AGENT
NATIONAL REGISTERED AGENTS, INC.
2875 MICHELLE DR., STE. 100
IRVINE, CA 92606

CONSOLIDATED MORTGAGE COMPANY, LLC
BY AND THROUGH ITS REGISTERED AGENT
SHEA & CARLYON LTD.
701 E. BRIDGER AVE., STE. 850
LAS VEGAS, NV 89101

DON S DEAMICIS on behalf of Creditor WELLS FARGO BANK, N.A.
1 INTERNATIONAL PL
BOSTON, MA 02210

EBBIN MOSER + SKAGGS LLP
C/O DAVID E MOSER
550 MONTGOMERY ST., STE 900
SAN FRANCISCO, CA 94111

FIDELITY NATIONAL FINANCIAL, INC.
CT CORPORATION SYSTEM
BY AND THROUGH ITS REGISTERED AGENT
818 W. SEVENTH ST.
LOS ANGELES, CA 90017

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FIRST AMERICAN TITLE COMPANY
BY AND THROUGH ITS REGISTERED AGENT:
CORPORATION SERVICE COMPANY
2730 GATEWAY OAKS DRIVE, STE. 100
SACRAMENTO, CA 95833

GIBSON DUNN & CRUTCHER LLP
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MASTEC NORTH AMERICA INC
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CORAL GABLES, FL 33134

MUTUAL OF OMAHA BANK
BY & THRU ITS REGISTERED AGENT:
CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DRIVE
LAS VEGAS, NV 89119

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1 NEVADA STATE BANK
2 BY & THRU ITS REGISTERED AGENT:
3 CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DRIVE
LAS VEGAS, NV 89119

4 OMNI MANAGEMENT GROUP
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5 ENCINO, CA 91436

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8 PRINCETON ADVISORY GROUP
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10 KINGSTON, NJ 08528-1004

11 GRETCHEN M. ROBITAILLE
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12 MARVIN C. RUTH on behalf of Creditor CEMEX CONSTRUCTION
13 MATERIALS SOUTH, LLC
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15 PHOENIX, AZ 85004

16 SANTORO, DRIGGS, WALCH, KEARNEY, HOLLEY & THOMPSON
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LAS VEGAS, NV 89101

17 SECURITY TITLE OF NEVADA, LLC
18 BY AND THROUGH ITS REGISTERED AGENT
CORPORATION TRUST COMPANY OF NEVADA
19 311 S. DIVISION STREET
CARSON CITY, NV 89703

20 SMS FINANCIAL LLC
21 RESIDENT AGENTS OF NEVADA, INC.
BY AND THROUGH ITS REGISTERED AGENT
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23 JAMES I STANG on behalf of Debtor THE RHODES COMPANIES, LLC
24 10100 SANTA MONICA BLVD #1100
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2 ATTN: ANY PRINCIPAL
3 65 WEST 36TH STREET, 7TH FLOOR
4 NEW YORK, NY 10018

5 STEWART TITLE COMPANY
6 CORPORATION TRUST COMPANY OF NEVADA
7 BY AND THROUGH ITS REGISTERED AGENT
8 311 S. DIVISION STREET
9 CARSON CITY, NV 89703

10 THE LANDSCAPE CONNECTION TLC INC
11 5400 E EMPIRE AVE
12 FLAGSTAFF, AZ 86004

13 THE PRESERVE AT ELKHORN SPRINGS HOMEOWNERS
14 ASSOCIATION, INC.
15 C/O FEINBERG GRANT MAYFIELD KANEDA & LIT
16 1955 VILLAGE CENTER CIRCLE
17 LAS VEGAS, NV 89134

18 TOWN & COUNTRY BANK
19 BY & THRU ITS REGISTERED AGENT:
20 PHILIP M. BURNS
21 8620 W. TROPICANA AVENUE
22 LAS VEGAS, NV 89103

23 TRANSACTION TITLE AGENCY
24 ATTN: ANY OFFICER OR DIRECTOR
25 1500 EAST WOOLFORD ROAD
26 SHOW LOW, AZ 85901

27 UBS FINANCIAL SERVICES
28 BY & THRU ITS REGISTERED AGENT:
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LAS VEGAS, NV 89119

WELLS FARGO BANK, N.A.
CSC SERVICES OF NEVADA, INC.
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LAS VEGAS, NV 89107

YUMA TITLE
ATTN: CARRIE SAFRANEK, MANAGER
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- ☐ c. **Personal Service** (*List persons and addresses. Attach additional paper if necessary*)

I personally delivered the document(s) to the persons at these addresses:

- ☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.
- ☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- ☐ d. **By direct email (as opposed to through the ECF System)** (*List persons and email addresses. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- ☐ e. **By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

- ☐ f. **By messenger** (*List persons and addresses. Attach additional paper if necessary*)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (*A declaration by the messenger must be attached to this Certificate of Service*).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): December 3, 2012.

/s/ Cindy Kishi

DECLARANT